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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/019,922

04/30/2002

Seppo Valli

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5759

23552

7590

10/20/2006

MERCHANT & GOULD PC

P.O. BOX 2903

MINNEAPOLIS, MN 55402-0903

EXAMINER

LEE, RICHARD J

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/019,922

Applicant(s)

VALLI, SEPPO

Examiner

Richard Lee

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The request filed on June 19, 2006 for a Request for Continued Examination (RCE) is acceptable and a RCE has been established. An action on the RCE follows.
2. Applicant's arguments from the amendment filed June 19, 2006 regarding the previous rejection of the claims under 35 USC 103 have been noted and considered, but are deemed moot in view of the following new grounds of rejections.
3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the disclosure lacks support for the particular features of “repeating steps e) – k) for all the location of the image blocks included in the restricted group of locations of the image blocks with **the minimum one of the calculated errors stored in step k) used to replace the subsequent maximum error of step e) each time**” as recited in claim 1; “means of determining an image block average value for the image block to be coded”, “means of outputting from the corresponding memory locations of the output memory of the associative memory device a restricted group of locations of the image blocks included in the search area”, “means of calculating”, “means of storing”, “means of repeating operation of the means of restricting, the associative memory, the means of outputting, the means of calculating, and the

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means of storing for all the locations of the image blocks included in the restricted group of locations of the image blocks with **the minimum one of the calculated errors used to replace the predetermined maximum error each time**”, and “means of outputting the location and the error of the image block in the search area best matching the image block to be coded, the error thus being the minimum error within all image blocks in the search area” as respectively claimed in claim 5 (see also paragraph (4) below).

Though the applicant had indicated at page 8 of the amendment filed June 19, 2006 that support can be found on page 5, lines 14-20 and page 5, lines 26 to page 6, line 20 of the Specification for the newly amended limitations, the Examiner after careful review of the whole disclosure including the specific sections indicated by the applicant still however cannot find support for the limitations as indicated in the above paragraph.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The metes and bounds of claim 5 does not comply with the requirements of 35 U.S.C. 112, 6<sup>th</sup> paragraph since the respective “means” as claimed are not shown in the drawings in connection with an adequate written description within the Specification, and as such claim 5 is considered indefinite.

6. 35 U.S.C. 101 reads as follows:


Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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7. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 1 is directed to a method for performing motion estimation as recited in the preamble, but the body of the claim is directed to a series of steps drawn to the solving of a mathematical problem and manipulating an abstract idea without practical application by physical transformation or without practical application that produces any useful, tangible, and concrete results. Claim 1 essentially is directed to the application of a mathematical formula as part of a seemingly patentable process, but one cannot "seek patent protection for that formula in the abstract". And since dependent claims 2-4 are directed to further limitations based on the method of claim 1, claims 1-4 as a whole do not fall within the statutory classes set forth in 35 U.S.C. 101.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (571) 272-7333. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m, with alternate Fridays off.

  
RICHARD LEE  
PRIMARY EXAMINER

Richard Lee/rl

10/11/06

